

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JOSE ANTONIO MANCILLA,	)	
	)	
Petitioner,	)	
	)	
v.	)	CASE NO. 1:15-CV-313-WKW
	)	[WO]
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

On April 18, 2017, the Magistrate Judge filed a Recommendation (Doc. # 12) to which no timely objections have been filed. Upon an independent review of the record and upon consideration of the Recommendation, it is ORDERED that

- (1) The Recommendation (Doc. # 12) is ADOPTED on grounds that Petitioner's motion is untimely under 28 U.S.C. § 2255(f)<sup>1</sup>;
- (2) Petitioner's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 (Doc. # 2) is DENIED; and
- (3) This action is DISMISSED with prejudice.

---

<sup>1</sup> The Recommendation includes a footnote that incorrectly states that *Padilla v. Kentucky*, 559 U.S. 356 (2010), was decided *after* Mancilla was sentenced. (See Doc. # 12, at 3 n.2.) Although this footnote is superfluous to the Recommendation's ultimate finding of untimeliness, this Order clarifies that Mancilla's sentencing post-dated *Padilla*.

A separate final judgment will be entered.

DONE this 30th day of May, 2017.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE